



A-3 Rec'd PCT/PTO 05 MAY 2006

MAIL STOP 16

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: G. Spangenberg et al. Attorney Docket No.: CASM126914

U.S. Application No.: 10/561,283

Confirmation No.: 2241

Int'l. Application No.: PCT/AU04/00802

Int'l. Filing Date: June 18, 2004

Title: RYEGRASS POLLEN-SPECIFIC PROMOTERS AND
EXPRESSION CONSTRUCTS

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

Seattle, Washington 98101

May 1, 2006

DIRECTOR – U.S. PATENT AND TRADEMARK OFFICE:

ATTENTION: Refund Section, Accounting Division, Office of Finance

I. Refund Request

This is a request for refund with respect to the charge to Deposit Account No. 03-1740, shown on the statement dated April 2006, for the above-identified patent application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. Fees Charged for Which Refund Requested

Amount of Fee Requested

1615 Extra Claim Fee (2 extra claims) - \$100.00

Total Refund Requested: \$100.00

III. Explanation of Why Contested Charge Is in Error

There were 23 total numbered claims in the application, 4 of which were multiple-dependent claims which counted as 3 each, thus adding 8 "extra" claims to the original 23, for a total claim count of 31. Thus there was a total of 11 extra claims over 20 at \$50 each = \$550. The \$550 extra claim fee was included in our Check No. 167824 in the amount of \$1,810. We were charged for an additional two extra claims above the total of 31, which is an incorrect calculation. Enclosed is a copy of the original fee transmittal page as well as our Claim Fee Calculation Sheet.


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CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

IV. Manner of Refund

Please provide us with a refund by crediting Deposit Account No. 03-1740.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}


Dennis K. Shelton
Registration No. 26,997
Direct Dial No. 206.695.1718

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop 16, Director - U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 5/2/06 Carol Gulyan

DKS:cj

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Suite 2800
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04/04	1910	2341594	FAYE-2-14011	7205	\$100.00	\$7,173.48
04/04	1911	2341594	FAYE-2-14011	7208	\$200.00	\$6,973.48
04/05	8	2496352	CSHL-2-29725/25683	8521	\$40.00	\$6,933.48
04/05	9	2496352	CSHL-2-29725/25683	8522	\$25.00	\$6,908.48
04/05	12	5356510		9204	-\$3,800.00	\$10,708.48
04/05	12	2413498	CSHL-2-19535/19537	8521	\$40.00	\$10,668.48
04/05	13	2413498	CSHL-2-19535/19537	8522	\$25.00	\$10,643.48
04/05	14	2413498	CSHL	8521	\$40.00	\$10,603.48
04/05	15	2413498	CSHL	8522	\$75.00	\$10,528.48
04/05	78	78232689	ONCONM229251/29407	8521	\$40.00	\$10,488.48
04/05	79	78232689	ONCONM229251/29407	8522	\$25.00	\$10,463.48
04/05	132	60670944	NFNP-1-27375 LKP	8007	\$20.00	\$10,443.48
04/05	182	5830874	UWOTL18556	2552	\$1,150.00	\$9,293.48
04/05	653	78853684	IIJS-2-32821	7001	\$325.00	\$8,968.48
04/05	685	78853695	IIJS-2-33445	7001	\$650.00	\$8,318.48
04/05	874	78243521	SSNO-2-29543	7003	\$200.00	\$8,118.48
04/05	1649	78345214	FAYE-2-30519	7003	\$100.00	\$8,018.48
04/05	1789	2048228	SEME213329	7205	\$100.00	\$7,918.48
04/05	1790	2048228	SEME213329	7201	\$400.00	\$7,518.48
✓04/06	1	11110024	UTLX123686	1255	\$1,140.00	\$6,378.48
✓04/06	3	SUBSCRIPTION	SOGS	8001	\$15.00	\$6,363.48
✓04/06	24	6462770	XILL110864	1551	\$900.00	\$5,463.48
✓04/06	207	29221790	CSHL124242	8021	\$200.00	\$5,263.48
✓04/06	264	78066946	DIAC-2-30802	7004	\$150.00	\$5,113.48
✓04/06	412	1402784	MDPC218035	7205	\$100.00	\$5,013.48
✓04/06	413	1402784	MDPC218035	7201	\$400.00	\$4,613.48
✓04/06	1823	78855518	SUTK-2-33471	7001	\$325.00	\$4,288.48
✓04/06	1839	78425609	PFOO-2-31206	7004	\$450.00	\$3,838.48
✓04/06	1851	76300253	PLEF-2-27192	7004	\$150.00	\$3,688.48
✓04/06	2036	76300255	PLEF-2-27193	7004	\$150.00	\$3,538.48
04/07	19	E-REPLENISHMENT		9203	-\$5,000.00	\$8,538.48
✓04/07	27	10815159	WEYE121926/25350	1801	\$790.00	\$7,748.48
✓04/07	28	10813957	25487 (WEYE122661)	1801	\$790.00	\$6,958.48
✓04/07	310	78682643	TINC-2-32841	7001	\$325.00	\$6,633.48
✓04/07	347	60756338	LIUI126106	8021	\$40.00	\$6,593.48
04/07	375	10573670	KILS127291	1615	\$540.00	\$6,053.48 - DKS
04/07	377	10573670	KILS127291	1616	\$360.00	\$5,693.48
✓04/07	778	78856087	IIJS-2-33179	7001	\$325.00	\$5,368.48
✓04/07	829	78856120	IIJS-2-32765	7001	\$325.00	\$5,043.48
✓04/07	831	78856123	IIJS-2-32764	7001	\$325.00	\$4,718.48
✓04/07	1025	0344797	LIBO28922	7205	\$100.00	\$4,618.48
✓04/07	1026	0344797	LIBO28922	7201	\$400.00	\$4,218.48
✓04/07	1568	78856493	SCLF-2-33526	7001	\$325.00	\$3,893.48
04/10	12	E-REPLENISHMENT		9203	-\$5,000.00	\$8,893.48
04/10	18	10561283	CASM126914	1615	\$100.00	\$8,793.48 - DKS
04/10	109	11296574	SEMT125721	1111	\$500.00	\$8,293.48 - JVS
04/10	110	11296574	SEMT125721	1311	\$200.00	\$8,093.48 No
✓04/10	234	5354455	CLTI16516	2553	\$1,900.00	\$6,193.48

✓04/10 554	78856913	PAIN-2-33530	7001	\$650.00	\$5,543.48	
✓04/10 569	78856925	PAIN-2-33529	7001	\$650.00	\$4,893.48	
✓04/10 575	78856928	PAIN-2-33528	7001	\$650.00	\$4,243.48	
✓04/10 581	78856931	PAIN-2-33527	7001	\$650.00	\$3,593.48	
04/11 1	10913133	OKUM123424	1806	\$180.00	\$3,413.48	ECP / HEN
✓04/11 33	6982785	UWOTL-1-26694	8021	\$40.00	\$3,373.48	
04/11 34	E-REPLENISHMENT		9203	-\$5,000.00	\$8,373.48	
✓04/11 138	2340235	PLEF-2-20526	7205	\$100.00	\$8,273.48	
✓04/11 139	2340235	PLEF-2-20526	7208	\$200.00	\$8,073.48	
✓04/11 252	5821211	AETI110148	2552	\$1,150.00	\$6,923.48	
✓04/11 1044	78858309	NOAM-2-33428	7001	\$325.00	\$6,598.48	
✓04/11 1048	78858311	NOAM-2-33429	7001	\$325.00	\$6,273.48	
✓04/11 1059	78858319	NOAM-2-33430	7001	\$325.00	\$5,948.48	
✓04/11 1061	78858321	NOAM-2-33431	7001	\$325.00	\$5,623.48	
✓04/11 1068	78858324	NOAM-2-33435	7001	\$325.00	\$5,298.48	
✓04/11 1075	78858331	NOAM-2-33436	7001	\$325.00	\$4,973.48	
✓04/11 1084	78858336	NOAM-2-33441	7001	\$325.00	\$4,648.48	
✓04/11 1093	78858345	NOAM-2-33442	7001	\$325.00	\$4,323.48	
✓04/11 1097	78858350	NOAM-2-33443	7001	\$325.00	\$3,998.48	
✓04/11 1884	78633388	THOT-2-32679	7001	\$325.00	\$3,673.48	
04/12 23	E-REPLENISHMENT		9203	-\$5,000.00	\$8,673.48	
✓04/12 50	2340204	PLEF-2-20525	7205	\$100.00	\$8,573.48	
✓04/12 51	2340204	PLEF-2-20525	7208	\$200.00	\$8,373.48	
✓04/12 64	6468330	INNI115590	2551	\$450.00	\$7,923.48	
✓04/12 229	5375962	LIUI15810	2553	\$1,900.00	\$6,023.48	
	START	SUM OF	SUM OF	END		
	BALANCE	CHARGES	REPLENISH	BALANCE		
	\$3,823.48	\$36,600.00	\$38,800.00	\$6,023.48		

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Deposit Account Statement

Requested Statement Month: April 2006
 Deposit Account Number: 031740
 Name: CHRISTENSEN O'CONNOR JOHNSON & KINDNESS
 Attention:
 Address: 2800 PACIFIC FIRST CENTRE
 City: SEATTLE
 State: WA
 Zip: 98101
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/03	50	E-REPLENISHMENT		9203	-\$5,000.00	\$8,823.48
04/03	62	3053615		8503	\$15.00	\$8,808.48
04/03	63	1328713		8503	\$15.00	\$8,793.48
04/03	64	1328714		8503	\$15.00	\$8,778.48
04/03	65	E-REPLENISHMENT		9203	-\$5,000.00	\$13,778.48
04/03	65	2957935		8503	\$15.00	\$13,763.48
04/03	66	2646008		8503	\$15.00	\$13,748.48
04/03	286	5373433	XANT119318	1553	\$3,800.00	\$9,948.48
04/03	415	78340389	STHA-2-30382	7004	\$150.00	\$9,798.48
04/03	492	78851511	REVG-2-33444	7001	\$325.00	\$9,473.48
04/03	770	78469471	WSCI-2-31390	7001	\$325.00	\$9,148.48
04/03	806	78851712	OBTM-2-33468	7001	\$1,950.00	\$7,198.48
04/04	52	10717977	LEPA122042	1801	\$790.00	\$6,408.48
04/04	63	E-REPLENISHMENT		9203	-\$5,000.00	\$11,408.48
04/04	86	11347537	CHEC-1-26662	8021	\$40.00	\$11,368.48
04/04	106	10815143	25324	1801	\$790.00	\$10,578.48
04/04	107	10798251	FRAB122492	1801	\$790.00	\$9,788.48
04/04	108	10798251	FRAB122492	1253	\$1,020.00	\$8,768.48
04/04	137	78486083	JORC231617	7004	\$300.00	\$8,468.48
04/04	144	11228635	ANMO126472	8021	\$40.00	\$8,428.48
04/04	242	11337108	SYIP126956	8021	\$40.00	\$8,388.48
04/04	262	10545012	FBRI125443	8021	\$40.00	\$8,348.48
04/04	731	78597085	PATTD-2-32154	7001	\$325.00	\$8,023.48
04/04	1357	78243521	SSNO-2-29543	7004	\$300.00	\$7,723.48
04/04	1378	78380457	PFOO-2-29958	7004	\$150.00	\$7,573.48
04/04	1893	2338932	FAYE-2-15434	7205	\$100.00	\$7,473.48
04/04	1894	2338932	FAYE-2-15434	7208	\$200.00	\$7,273.48



CLAIM FEE CALCULATION SHEET

Docket No. CASM-1-26914

Claim No.	Date: 12/19/05 As Filed		Date: After Amdt.		Date: After Amdt.		Date: After Amdt.		Date: After Amdt.	
	I	D	I	D	I	D	I	D	I	D
1.	O									
2.		O								
3.		O								
4.		O								
5.		O								
6.		O								
7.		O								
8.		O								
9.		O								
10.		O								
11.		O								
12.		O								
13.		O								
14.		O(M3)								
15.		O(M3)								
16.		O(M3)								
17.		O(M3)								
18.		O								
19.		O								
20.		O								
21.		O								
22.		O								
23.		O								
24.										
25.										
26.										
27.										
28.										
29.										
30.										

Total Ind.	1	↓		↓		↓		↓		↓
Total Dep.	30	←		←		←		←		←
Total	31									

KEY	O : Original	PP : Previously presented (a prior "new" or prior "currently amended" claim)
	N : New	NE : Not entered (in prior amendment) or entry status unknown
	W : Withdrawn	WCA : Withdrawn - currently amended
	C : Canceled	(M#) : Multiple-dependent claim + number value
	CA : Currently amended	(M1*) : *Incorrect multiple-dependent claim counted as "1"

The following fees are submitted:.				CALCULATIONS	
21. <input checked="" type="checkbox"/> a) Basic national fee..... \$300				\$300.00	
22. <input checked="" type="checkbox"/> b) Examination fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 All other situations.....\$200.00				\$200.00	
23. <input checked="" type="checkbox"/> c) Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400.00 All other situations.....\$500.00				\$400.00	
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
____ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
50 - 100 =	0/50=		x \$250	\$--	
Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$--	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	31 - 20 =	11	x \$50	\$550	
Independent claims	1 - 3 =	0	x \$200	\$--	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$360	
TOTAL OF ABOVE CALCULATIONS =				\$1,810	
____ Applicants claim small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$--	
SUBTOTAL =				\$1,810	
Processing fee of \$130 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$--	
TOTAL NATIONAL FEE =				\$1,810	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property.				\$--	
TOTAL FEES ENCLOSED =				\$1,810	

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